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TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
112701-066

In Re Application Of: **Balleve et al.**

Serial No.
09/508,635

Filing Date
May 18, 2000

Examiner
D. Lukton

Group Art Unit
1653

Title:
ORGAN SPECIFIC NUTRITION

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

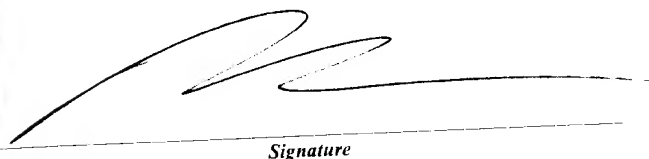
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Dated: **September 19, 2002**

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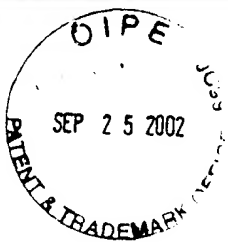
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ballevre et al.
Appl. No.: 09/508,635
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Commissioner for Patents
Washington, DC 20231

RESPONSE AND REQUEST FOR RECONSIDERATION OF REQUIREMENT

Sir:

Applicants submit this Response and Request for Reconsideration of Requirement in response to the Office Action mailed on August 20, 2002. In the Office Action, the Patent Office has required Applicants to elect a specific organ as a species. Applicants hereby provisionally elect the small intestines. However, Applicants note that this election is made provisionally. In this regard, Applicants reserve the right to Petition the Commissioner From Requirement for a Restriction Pursuant to 37 C.F.R. 1.144.

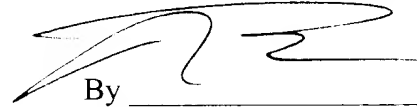
Applicants hereby expressly traverse the species requirement. In the first instance, Applicants note that all of the claims are generic to the claimed species. Accordingly, there is no purpose for the election of species requirement. Indeed, the election of species will only create undue burden both for the Applicants and the Examiner.

Moreover, Applicants have previously pointed out that the election of species requirement does not comply with the MPEP, see, for example, MPEP § 803.01. For the sake of brevity, Applicants will not repeat the previous arguments and traversals made, for example, in the response submitted on July 24, 2002. In this regard, all of the statements made in Applicants' previous traversals are incorporated herein by reference.

Therefore, Applicants respectfully request that the Patent Office examine the invention on the merits and withdraw the election of species requirement. The election of species requirement does not comply with the requirements of the MPEP. Moreover, the election of species requirement will only result in increased work and undue burden to Applicants and the Patent Office.

Respectfully submitted,

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